

**Walpole Planning Board October Minutes
November 10, 2020
Town Hall
7 pm**

Present: Chair Jeff Miller, Vice-Chair Dennis Marcom, Clerk Jason Perron, Jeff Harrington, Jeff Colley, Select Board Representative Steve Dalessio. Absent: Joanna Andros.

Recording: Marilou Blaine. **These minutes are unapproved and will be reviewed at the December 2020 meeting for corrections, additions and/or omissions.**

Roll Call: Mr. Miller opened the meeting at 7 pm. There was a quorum for the meeting.

Minutes: Mr. Marcom made a motion to approve the minutes as presented. Mr. Harrington seconded the motion and the motion carried unanimously.

Old Business:

Public Hearing:

Lot Line Adjustment: Jeddediah and Lila Pellerin, 116 Brewery Road, Tax Map 14, Lots 11 and 11-1, Residential B. Transfer .2 acres from Lot 11 to Lot 11-1. Lot 11 is owned by James F. Mort and Marilyn D. Dooley, 100 Brewery Road.

Surveyor Joe DiBernardo represented the Pellerins. He explained the lot line adjustment was a simple transfer of property so the septic system and well that was on the Mort property would now be on the Pellerin property and there wouldn't be any problem if the Pellerins wanted to sell. He said it is pretty straightforward.

Mr. Miller asked if there were any questions. There being none, he closed the Public Hearing. Mr. Perron made a motion to approve the Lot Line Adjustment as presented. Mr. Marcom seconded the motion and the motion carried.

Subdivision:

Request for a Public Hearing for December: Mr. DiBernardo represented Jay Landry of Tilton, NH, who wants to subdivide two lots into four lots on land that is between Old Keene Road and Wentworth Road – Tax Map 17, Lots 5 and 5-1 in Residential A. Mr. DiBernardo said that all the lots conformed to the lot standards for that zoning district – at least 40,000 square feet with 200 feet of road frontage. The new lots would be:

- Lot 5.1 – 2.19 acres with 200 feet road frontage on Wentworth Road;
- Lot 5-2 - 1.67 acres with 200 feet road frontage on Wentworth Road;
- Lot 5-3 – 1.15 acres with 200 feet road frontage on Wentworth Road;
- and 5-4 - 6.22 acres with 203.61 feet road frontage on Old Keene Road and 48.5 feet road frontage on Wentworth Road.

Mr. DiBernardo passed out four plats and the Board looked at them while Mr. DiBernardo discussed the lot size and road frontage. Mr. Landry purchased the property in September.

Mr. Marcom made a motion to hold a Public Hearing in December for the subdivision. Mr. Harrington seconded the motion and the motion carried unanimously.

New Business:

ZBA Request for a Public Hearing – short-term rentals:

The Zoning Board of Adjustment wants to include short-term rentals in the current Bed and Breakfast ordinance. Ms. Jan-Galloway Leclerc, chair of the ZBA, was there to explain the rationale for that request. The board members received copies of the proposed new ordinance and current ordinance for bed and breakfasts.

Ms. Leclerc said that the ZBA had a question about an Airbnb and whether that required special attention. Ms. Leclerc checked with Walpole's town counsel, Jeremy Hockensmith, and asked if the bed and breakfast ordinance covered short-term rentals and he said no. He advised that Walpole should put something on the books as soon as possible that would address short-term rentals. Apparently, short-term rentals in New Hampshire towns are getting to be quite popular. So the ZBA Board decided to modify the bed and breakfast ordinance so a short-term rental would require site plan approval too.

Mr. Dalessio asked if there was at one time a question about the number of rooms. Ms. Leclerc said that the state says a bed and breakfast has four or more room. Our ordinance says up to four rooms.

What is the difference between a short-term rental, more commonly known as Airbnb, and a bed and breakfast? Walpole's bed and breakfast ordinance requires serving breakfast and the establishment is owner-occupied. With short-term rentals the owner could be from out of state and breakfast is not served. What if the owner were on the premises, does that make it a bed and breakfast. Ms. Leclerc said yes if they are serving breakfast.

The next question was "what if they are just renting rooms?" Apparently this is a gray area, Ms. Leclerc said. The NH Municipal Association said our bed and breakfast ordinance might cover short-term rentals, but Mr. Hockensmith said no. So as it stands right now there is no oversight on short-term rentals. Some are whole houses and others are just a room, but there is very little regulation.

What's the difference between someone renting part of a house or the whole house? Mr. Miller asked. Ms. Leclerc said it's a question of time.

What difference does it make if it's one week, one month or a three years? Mr. Miller asked. Someone has the right to rent their whole house. Ms. Leclerc said the behavior is different for someone renting a house for a week or weekend, when someone may be attending a wedding, than a person renting that house for three years? Mr. Miller said it's just an agreement between the landlord and the tenant.

Mr. Perron said some towns are having issues with short-term rentals so they've come up as an ordinance. Mr. Dalessio said Airbnb is a company, therefore it's commercial.

Ms. Leclerc said that the ZBA is not trying to limit short-term rentals or prevent them. The ZBA just thinks they need site plan approval so people aren't parking on their neighbor's lawn

or doing anything that might cause a complaint.

“If it were I,” Ms. Leclerc said, “I’d like to know if we could have totally different strangers every week as neighbors.” If you’re asking the owner of a bed and breakfast, who lives there, to have site plan approval then at least it seems reasonable to ask the owner of a home being used for short-term rentals to have site plan approval.

Mr. Perron said that’s the difference. The owner of a bed and breakfast has an investment in the community. An owner with a short-term rental could have bachelor parties there every week and not even be aware of what’s going on.

Ms. Leclerc said that the Board looked at several different short-term rental ordinances from other towns. She continued that it’s important to get something on the books before this gets out of hand. Mr. Miller said, “I still go back the resident. You have a right to rent to anyone the owner wants to.”

Mr. Dalessio said he was not opposed to an ordinance, but short-term rentals needs a definition. Ms. Leclerc said there was one and the secretary would send it to the Board.

Mr. Miller said he would contact Southwest Region Planning Commission. He also thought that short-term rentals probably need a Special Exception not a site plan review.

Ms. Leclerc said from the beginning, when ordinances were adopted, site plans were needed to have a bed and breakfast. Short-term rentals fall under that category of having guests for a remuneration.

Mr. Miller said the rationale at the time the bed and breakfast ordinance was adopted was that the town had a lot of big white buildings owned by older residents and it gave them an economic incentive to open up their homes to accommodate guests.

Short-term rentals are an economic enterprise. They are subject to a room and meals tax. Mr. Miller said if a room and meals tax is applied then he could see that an ordinance is needed. Mr. Dalessio said Airbnb is a trade name and a commercial enterprise and they would pay the rooms and meals tax. But what about someone local? How does the state even know there was a home being used for short-term rentals?

Ms. Leclerc mentioned that Cheryl Mayberry told her about her hometown that is being ruined by having so many short-term rental establishments. She said it had completely changed the town and now the cost of housing is so expensive that the local property owners can’t afford to live there.

A Board member asked, “How many days defines a short-term rental? Is it 30 days, 14 days, three months?”

Mr. Miller said that the Board has some questions. Perhaps, in the meantime, in order to accommodate the zoning schedule, the WPB can start the process. There are two more months that the ZBA can hold a Public Hearing to place an article on the warrant. If short-term rentals were an ordinance that required a public hearing it would give neighbors a chance to

comment and put the abutters in the know about what is happening next door. The public would also have some standing if a problem at a short-term rental occurred.

Mr. Perron made a motion to have a public hearing next month regarding short-term rentals. Mr. Harrington seconded the motion and the motion carried.

It was left that the secretary would forward Mr. Hockensmith's letter to the WPB and that the secretary would send the WPB copies of other ordinances from New Hampshire towns and a definition of short-term rental. Mr. Miller will contact Lisa Murphy at SWRPC about the matter.

Master Plan discussion: The Board decided that they preferred to have a discussion of the final drafts of the three updated sections of the Master Plan when someone from Southwest Regional Planning Commission could attend a meeting.

Sidewalk grant: Mr. Miller talked with J. B. Mack, who is in charge of transportation at SWRPC. Mr. Mack said at this time federal funds are not available and are "on hold." Things might change in the spring and Mr. Mack would be in touch.

Adjournment: Mr. Perron made a motion to adjourn the meeting. Mr. Marcom seconded the motion and the motion carried unanimously.

Respectfully submitted,
Marilou Blaine
WPB Secretary

cc: WPB, ZBA, Town Offices, Walpolean.

Posted: Inside Town Offices, on the bulletin board outside Post Office, www.walpole.nh.us

Jeff- Transportation grant – talk to Lisa Murphy about a grant writer or someone to take the lead on the sidewalk project.

Next meeting: Tuesday, December 8, 2020.

